

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ATLANTIC RECORDING CORPORATION,	§	
<i>et al.</i> ,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. H-06-3578
	§	
vs.	§	JUDGE VANESSA D. GILMORE
	§	
ABNER ANDERSON,	§	
	§	
Defendant.	§	

ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE
DEFENDANT'S AFFIRMATIVE DEFENSES

This matter is before the Court on Plaintiffs' Motion to Strike Defendant's Affirmative Defenses. ("Motion to Strike"). Having considered Plaintiffs' Motion to Strike and Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment, and being sufficiently advised, the Court hereby ORDERS that Plaintiffs' Motion to Strike is GRANTED. IT IS FURTHER ORDERED that the following affirmative defenses asserted by Defendant are hereby STRICKEN: (1) that Defendant is an "innocent infringer" under section 504(c)(2) of the Copyright Act and, therefore, entitled to a reduction in the amount of statutory damages; and (2) that the statutory damages set by Congress under the Copyright Act are somehow unconstitutional.

DATED this ____ day of _____, 2008.

HONORABLE VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE